

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

SEP 25 2018

Clerk, U S District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY ROSE DAY,

Defendant.

CR 13-97-BLG-SPW


ORDER

On September 7, 2018, United States Magistrate Judge John Johnston entered Findings and Recommendations with respect to the June 25, 2018, petition for revocation of Defendant Day's supervised release. (Docs. 41 and 33.) Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Day's admission to the alleged violations, Judge Johnston recommends her supervised release be revoked. Judge Johnston further recommends that this Court sentence Day to 5 months imprisonment with 55 months of supervised release to follow. While on Supervised Release, Day should reside at a sober living facility in Yellowstone County for up to 180 days, if deemed eligible by the United States Probation Office. Judge Johnston's Findings and Recommendations are without clear error and hereby adopted in full.

IT IS ORDERED that Defendant Day's supervised release is revoked. Judgment will be entered by separate document.

DATED this th24 day of September, 2018.


SUSAN P. WATTERS
United States District Judge